

## STAFF REPORT

MAPC: March 9, 2023

DAB VI: March 13, 2023

<u>CASE NUMBER:</u>	ZON2023-00004 (City)
<u>APPLICANT/AGENT:</u>	Norman L. Christiansen, Rev. Trust (Applicant)
<u>REQUEST:</u>	LC Limited Commercial District
<u>CURRENT ZONING:</u>	SF-5 Single-Family Residential District and B Multi-Family Residential District
<u>SITE SIZE:</u>	0.40 acres
<u>LOCATION:</u>	Generally located on the northeast corner of North West Street and West 8 <sup>th</sup> Street North (824 North West Street).
<u>RECOMMENDATION:</u>	Approve



**BACKGROUND:** The applicant is requesting a zone change from SF-5 Single-Family Residential District and B Multi-Family Residential District to LC Limited Commercial District to bring an existing building into conformance. The subject site is approximately 0.40-acres in size and is generally located on the northeast corner of North West Street and West 8th Street North (824 North West Street).

The subject site is developed with a 1,440-square-foot office and a 1,500-square-foot storage space, previously utilized with the lot to its south for Construction Sales and Services by a fence contracting company. Construction Sales and Services is an illegal use in the SF-5 Single-Family Residential and B Multi-Family Residential zoning districts. The applicant intends to sell the subject property and wants to bring it into zoning compliance before doing so. If approved, the requested zone change will unify the zoning on the applicant's property.

The subject site fronts North West Street and is part of the existing mixed-use corridor along the arterial. In this area, moderate-intensity commercial uses and high-density residential uses abut lower-density residential neighborhoods to the east and west.

Properties abutting the subject site to the north and west are zoned LC Limited Commercial District and are developed with a tax office and a retail strip center, respectively. South of the subject site is property zoned LC Limited Commercial District, also owned by the applicant and used previously as storage for the contracting company. Farther south, directly abutting the storage area, are properties zoned LC Limited Commercial District and developed with multi-family residences. East of the subject site is a property zoned SF-5 Single-Family Residential District, developed with a single-family residence.

Section IV-B.2 of the Unified Zoning Code (UZY) requires the screening of commercial properties when abutting or across a street or alley from residential zoning districts. An existing screening fence is located along the perimeter of the subject site and shall be maintained to comply with this requirement. Additionally, compatibility setback and height standards shall apply to this site, and any future development shall be in accordance with Sections IV-C.4 and IV-C.5 of the UZY.

**CASE HISTORY:** The property is unplatted. In order to obtain a building permit, platting is required. No other zoning actions have occurred on this property.

**ADJACENT ZONING AND LAND USE:**

North:	LC	Office
South:	LC	Construction Sales and Service
East:	SF-5	Single-family Residence
West:	LC	Office and Retail

**PUBLIC SERVICES:** The site has primary access from North West Street which is a paved four-lane arterial with a center turn lane and sidewalks on both sides. A gated, secondary access to the site is provided on West 8<sup>th</sup> Street. West 8<sup>th</sup> is a paved, local street with sidewalks on its south side. City water and stormwater are located in the North West Street right-of-way.

**CONFORMANCE TO PLANS/POLICIES:** The proposed zone change is in conformance with the following plans:

**Community Investments Plan:** The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area where the site is located to be appropriate for "Industrial" land use. This category "encompasses areas that reflect the full diversity of industrial development intensities and types typically found in a large urban municipality."

The *Community Investments Plan* provides locational guidelines to serve as a framework for future land use decisions. These are provided generally and for specific geographic areas. The subject site is located within the Established Central Area (ECA), described by the *Plan* as “the downtown core and the mature neighborhoods surrounding it.” Locational guidelines for the ECA state that neighborhood-serving retail and office uses can be appropriate on infill sites or through the conversion of existing structures if “the scale of the development is appropriate for its context.” Properties to the north, south, and west of the subject site are zoned LC Limited Commercial District and are developed with commercial or high-density residential uses. Approval of the requested zone change would permit future site development consistent with the context of the development existing along the commercial corridor.

Additionally, the locational guidelines recommend that commercial uses developed near established residential areas have site design features that mitigate potential negative impacts of commercial use. In this case, the existing screening fence located along the perimeter of the subject site and the compatibility standards provide conformance with this element of the *Plan*.

Wichita: Places for People Plan: *The Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (ECA). In general, the ECA is envisioned as “a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles.” Ensuring development follows a nodal pattern “which creates a critical mass of activity at the center and transitions in scale and intensity” is vital to realizing the goals of the ECA. The subject site is located just outside the quarter-mile buffer zone and inside the edge of the Community Core at West Central Avenue and North West Street as designated by the *Places for People Plan*.

Strategies: *The Wichita: Places for People Plan* emphasizes the importance of neighborhood context in ensuring the success of infill development within the ECA. Specifically, it recommends the “organization of places based on their scale or intensity of development,” allowing infill development “to be better integrated into the context” it serves. Approval of this request would allow the site to be developed with commercial uses of a scale and intensity similar to those existing along the North West Street corridor.

Current Condition: The subject property is located within an “area of stability,” defined by the *Plan* as areas that “require fewer interventions and potentially less public investment to maintain a stable development environment and community.” Improvements in an “area of stability” should “support development momentum and strengthen the established physical context” of the place. A zone change to LC Limited Commercial District on this property would permit development consistent with the established context of the area.

**RECOMMENDATION:** Based upon the information available at the time the staff report was completed, staff recommends **APPROVAL** of the request.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The subject area is generally characterized by commercial uses and zoning fronting North West Street, and residential uses and zoning abutting these to the east and west. Properties abutting the subject site to the north and west are zoned LC Limited Commercial District and are developed with a tax office and a strip retail center, respectively. South of the subject site is property zoned LC Limited Commercial District, also owned by the applicant, and previously used as storage for the fence contracting company. Farther south, directly abutting the storage area, are properties zoned LC Limited Commercial District and developed with multi-family residences. East of the subject site is property zoned SF-5 Single-Family Residential District, and developed with a single-family residence.
2. The suitability of the subject property for the uses to which it has been restricted: The property is presently zoned SF-5 Single Family Residential District and B Multi-Family Residential District. The existing structure and use are illegal on the site as it is presently zoned.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The subject area is of a mixed-use character, and the residential neighborhood east of the site has existed abutting commercial uses along North West Street for a number of years. The screening and compatibility requirements should mitigate possible negative impacts to the adjacent residential neighborhood.
4. Length of time subject property has remained vacant as zoned: The property is not currently vacant. The commercial office was built in 1950 and the storage addition was constructed in 1990.
5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request represents a gain to the public in that it contributes to supporting economic opportunity in the area. However, any gain must be considered in light of the possible negative impacts on public welfare, including the adverse effects on neighboring properties due to light and noise pollution. Denial of the request could represent a loss in the use and enjoyment of the applicant's property.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request is in conformance with the *Community Investments Plan* and the *Place for People Plan* as discussed in the staff report.
7. Impact of the proposed development on community facilities: An approval of this request should not generate any additional impact on community facilities. Existing infrastructure at the site will accommodate the proposed use.
8. Opposition or support of neighborhood residents: At the time of publication of the staff report, staff has received public comment via phone from one neighborhood resident. The resident stated concerns regarding the impacts various LC Limited Commercial District uses could have on the adjacent residential properties.

Attachments:

1. Aerial Map
2. Zoning Map
3. Land Use Map
4. Site Photos



Attachment 1. Aerial Map

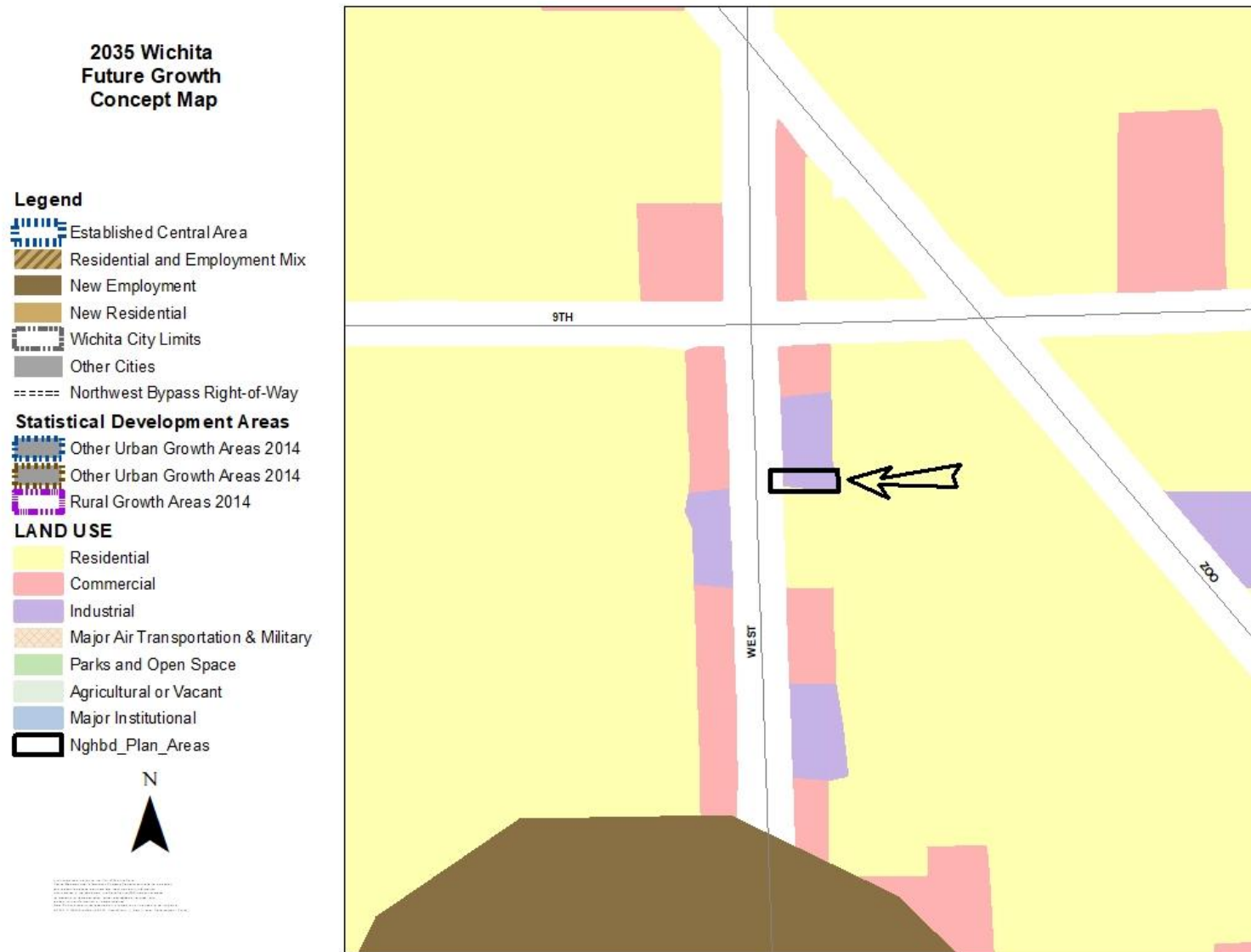




## Attachment 2. Zoning Map



### Attachment 3. Land Use Map



#### Attachment 4. Site Photos



The subject site and storage area.



The existing screening fence and gate along 8<sup>th</sup> Street  
(facing southeast).



#### Attachment 4. Site Photos



North of the subject site.



Apartments south of the subject site.

#### Attachment 4. Site Photos



Single-family residence east of the subject site.



West of the subject site.



#### Attachment 4. Site Photos



Northwest of the subject site.